City Council Introduction: **Monday**, April 17, 2006 Public Hearing: **Monday**, April 24, 2006, at **5:30** p.m.

FACTSHEET

TITLE: Letter of Appeal, filed by Charles D. Humble, on behalf of Bob and Vicki Rokeby and Larry Schmieding, appealing Resolution No. PC-00985, approving PRELIMINARY PLAT NO. 06002, Schworer Addition, requested by Dennis Schworer, for four lots for commercial development, on property generally located at North 33rd and Superior Streets.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission

Public Hearing: 03/15/06 Administrative Action: 03/15/06

RECOMMENDATION: Conditional approval, as revised (8-0: Sunderman, Strand, Esseks, Krieser, Taylor,

Bill No. 06R-77

Larson, Carroll and Carlson voting 'yes').

FINDINGS OF FACT:

- 1. On March 15, 2006, the Planning Commission voted 8-0 to adopt Resolution No. PC-00985 (p.3-4), as revised by staff on March 15, 2006 (p.34), approving the Schworer Addition Preliminary Plat No. 06002, requested by Dennis Schworer, for four lots for commercial development on property generally located at North 33rd and Superior Streets. The resolution also approved a waiver of the Land Subdivision Ordinance and Design Standards for Land Subdivision Regulation requirements in order to allow a two-year time frame for improvements; a waiver of the sureties until Lot 2, Block 1, and Lots 1 and 2, Block 2, are platted; and a waiver of on-site stormwater detention. All the waivers had been recommended for approval by staff.
- 2. The minutes of the public hearing before the Planning Commission are found on p.18-21. Testimony on behalf of the applicant by Mark Hunzeker is found on p.19, agreeing with the staff recommendation as revised. The applicant is only intending to final plat one of the four lots in the preliminary plat for the time being, with no improvements to the east-west road bisecting this tract for the foreseeable future, until the remaining lots are final platted.
- 3. J.D. Burt of Design Associates testified on behalf of Bob Rokeby in a neutral position; however, he requested a delay for Mr. Rokeby to have an opportunity to meet with the applicant/developer regarding the street alignment and access to the Rokeby property through the Schworer property (See p.20 and 35-36).
- 4. The applicant's response to the access issue is found on p.20-21, indicating that the access via 33rd Street is already available to the Rokeby property, that his client is willing to meet with the adjacent owners to discuss the alignment of the east-west right-of-way through his property, but that this issue is not something that should delay action on this preliminary plat.
- 5. On March 15, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to adopt Resolution No. PC-00985, approving the Schworer Addition Preliminary Plat No. 06002, as revised by staff on March 15, 2006.
- 6. On March 29, 2006, a letter appealing the Planning Commission action adopting Resolution No. PC-00985 was filed by Charles D. Humble, on behalf of Bob and Vicki Rokeby and Larry Schmieding, property owners adjacent to the east of the Schworer property (See p.2).

FACTSHEET PREPARED BY: Jean L. Walker	DATE : April 10, 2006
REVIEWED BY:	DATE : April 10, 2006

REFERENCE NUMBER: FS\CC\2006\PP.06002 Appeal

CHARLES THONE
DONALD H. BRICKSON
WM. B. MORROW, JR.
DANIEL B. KINNAMON
THOMAS J. GULLFOYLE
VIRGIL K. FOHNSON
CHARLES V. SEDERSTROM
CHARLES D. HUMBLE
ALAN M. WOOD
WILLIAM F. AUSTIN
FOHN C. BROWNRIGG
THOMAS J. CULHANE
RICHARD J. GILLOON
SAMUEL B. CLARK
GARY L. HOFFMAN
MARK M. SCHORR
FERALD I., RAUTERKUS
WILLIAM T. FOLEY
PATRICK R. GUNNAN

LAW OFFICES

ERICKSON & SEDERSTROM, P.C.

A LIMITED LIABILITY ORGANIZATION

SUITE 400
301 SOUTH 13TM STREET
LINCOLN, NEBRASKA 68508-2571
TELEPHONE (402) 476-1000
FACSIMUE (402) 476-1067

WRITER'S INTERNET ADDRESS

humble@eslaw.com

March 29, 2006

JOHN B. MORROW
MICHELLE MILLER
TIERNAN T. SIEMS
JASON R. YUNGTUM
PAUL D. HEIMANN
MATTHEW V. RUSCH
KRISTINE J. GATES
ANGELA PROBASCO
TRENT J. MARTINET
NICOLE M. LUCIUS
JOVAN W. LAUSTERER
BRADLEY B. MAJLBERG

OF COUNSEL

DAVID J. NIELSEN DONALD B. STENBERG

OMAHA OFFICE 10330 REGENCY PARKWAY DRIVE, SUTTE (00 OMAHA, NEBRASKA 68114 (402) 197-2200

HAND DELIVERED

Joan E. Ross, City Clerk County-City Building 555 South 10th Street, Suite 103 Lincoln, NE 68508

Re:

Appeal from Action of Planning Commission

Our File No.: 25026.50316

Dear Ms. Ross:

We represent Bob and Vicki Rokeby and Larry Schmiding, aggrieved persons and owners of real property located in proximity to Preliminary Plat 06002 (Schworer Addition), and pursuant to Section 26.11.060(d), do hereby appeal the Planning Commission's action on said Preliminary Plat to the City Council.

The appeal to the City Council is specifically the approval of Preliminary Plat 06002 (Schworer Addition) as approved by the Planning Commission in the adoption of its Resolution PC 00985 on March 15, 2006.

It is my understanding that this appeal would be taken up on Monday, April 17, by the City Council in its usual course of business, but since the undersigned will be out of town on that date, I respectfully request that this matter be set for hearing before the City Council on Monday, April 24, 2006. Thank you.

Very truly yours,

Charles D. Humble

D. Humble

CDH:rjj

c: Marvin Krout, Director of Planning
Bob and Vicki Rokeby
Larry Schmiding
J.D. Burt

217907

PLANNING COMMISSION FINAL ACTION

NOTIFICATION

TO

Mayor Coleen Seng

Lincoln City Council

FROM:

Jean Walker, Plannin

DATE:

March 17, 2006

RE

Preliminary Plat No. 06002 - Schworer Addition

(North 33rd and Superior Streets)

Resolution No. PC-00985

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, March 15, 2006:

Motion made by Carroll, seconded by Strand, to approve **Preliminary Plat No. 06002, Schworer Addition**, with conditions, as revised by staff on March 15, 2006, requested by Dennis Schworer, to develop four lots for commercial development, including requests to waive the Land Subdivision Ordinance and Design Standards for Land Subdivision Regulation requirements in order to allow a two-year time frame for improvements; to waive the sureties until Lot 2, Block 1, and Lots 1 and 2, Block 2, are platted; and to waive the on-site stormwater detention, on property generally located at North 33rd and Superior Streets.

Motion for approval, with conditions, as amended, carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'.

The Planning Commission action on this preliminary plat is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

The associated Annexation, Annexation Agreement and Change of Zone requests are scheduled for public hearing before the City Council on Monday, April 3, 2006, 1:30 p.m.

Attachment

CC:

Building & Safety

Rick Peo, City Attorney

Public Works

Mark Hunzeker, Attorney at Law, P.O. Box 95109, 68509

Don Day, Olsson Associates, 1111 Lincoln Mall, 68508

Bob Rokeby

specifical and specifical and

J.D. Burt, Design Associates, 1609 N Street, 68508

i:\shared\wp\jiu\2006 conotice.pp\pp.06002

RESOLUTION NO. PC-00985

1	WHEREAS, Dennis Schworer has submitted the preliminary plat of Schworer				
2	Addition for acceptance and approval together with a request to waive Land Subdivision				
3	Ordinance and Design Standards for Land Subdivision Regulation requirements in order to				
4	allow a two year time frame for improvements; waive the sureties until Lot 2, Block 1 and Lots 1				
5	and 2, Block 2, are platted; and waive the on-site storm water detention, on property generally				
6	located at North 33rd and Superior Streets.; and				
7	WHEREAS, the Planning Director has recommended conditional approval of said				
8	preliminary plat.				
9	NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County				
10	Planning Commission that the preliminary plat of Schworer Addition, generally located at North				
11	33rd and Superior Streets as submitted by Dennis Schworer is hereby accepted and approved,				
12	subject to the following terms and conditions:				
13	1. After the subdivider completes the following instructions and submits the				
14	documents and plans and 6 copies to the Planning Department office, the preliminary plat will				
15	be signed by the Chair of the Planning Commission certifying approval: (NOTE: These				
16	documents and plans are required by ordinance or design standards.)				
17 18	 Rename Schworer Auto Drive with a new name acceptable to the Planning Department. 				
19	b. Revise the boundary of the plat to include the entire lot.				
20	c. Provide additional easements as requested by LES.				
21 22	 Show the extension of the east/west street and North 35th Street for 300' beyond the eastern boundary of this plat. 				
23 24 25	e. Make revisions and submit documentation as requested in the Review Comments for Application #PP06002 from the Public Works and Utilities, and Health Departments which are attached to the Lincoln City/Lancaster				

1 2			Coun 2, 200	ty Planning Staff Report prepared by Greg Czaplewski dated March 06.		
3	2.	The w	aivers	to subdivision regulations requiring that street improvements be		
4	completed or guaranteed by surety prior to a final plat and installed within a specified time after					
5	approval of a	approval of a final plat are hereby approved, provided:				
6 7		a.		treet right-of-way shall be dedicated, as required by the subdivision ance, with each final plat.		
8 9 10 11 12 13		b.	the prostreet satisfaremain	expected Lot 1, Block 1 will be final platted first, with the remainder of operty platted as an outlot. If so, improvements in the east/west must be installed to a point east of the frontage road, which is actory to Public Works, in order to provide access to the lot. The inder of the street shall be improved prior to approval of a equent final plat.		
14	3. Final Plats will be approved by the Planning Director after:					
15 16 17 18		a.	trees,	idewalks, streets, utilities, drainage facilities, street lighting, street and street name signs have been completed or the subdivider has itted a bond or an escrow of security agreement to guarantee their etion.		
19 20		b.		ubdivider has signed an agreement that binds the subdivider, its ssors and assigns:		
21 22			(1)	to complete the public street paving of streets shown on the final plat within two (2) years following the approval of the final plat.		
23 24 25			(2)	to complete the installation of sidewalks along both sides of public streets as shown on the final plat within four (4) years following the approval of the final plat.		
26 27			(3)	to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.		
28 29			(4)	to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.		
30 31 32			(5)	to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.		
33 34 35 36 37			(6)	to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.		

- (7) to complete the installation of public street lights along public streets within this plat within two (2) years following the approval of the final plat.
- (8) to complete the planting of the street trees along public streets within this plat within four (4) years following the approval of the final plat.
- (9) to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- (10) to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- (11) to complete the public and private improvements shown on the preliminary plat.
- (12) to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- (13) to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- (14) to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- (15) to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- (16) to submit to the lot buyers and home builders a copy of the soil analysis.

- 4. The waiver to the design standard requiring on-site stormwater detention is
- 2 hereby approved.

1

DATED: March 15, 2006.

ATTEST:

Chair

Approved as to Form & Legality:

Chief Assistant City Attorney

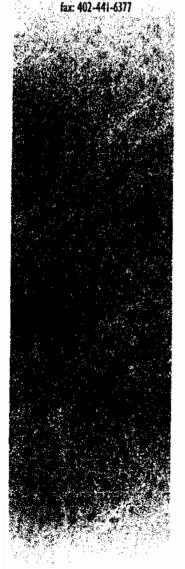


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Lincoln-Lancaster County Planning Department Marvin S. Krout, Director

Jon Carlson, Chair City-County Planning Commission

> 555 South 10th Street Suite 213 Lincoln, Nebraska 68508 402-441-7491



March 17, 2006

Dennis R. Schworer 510 Fort Crook Road North Bellevue, NE 68005

Re: Preliminary Plat No. 06002

Schworer Addition

Resolution No. PC-00985

Dear Mr. Schworer:

At its regular meeting on Wednesday, March 15, 2006, the Lincoln-Lancaster County Planning Commission, by **Resolution #PC-00985**, granted approval to your preliminary plat, **Schworer Addition**, located in the general vicinity of **33rd & Superior Streets**, subject to the following conditions:

Site Specific:

- After the subdivider completes the following instructions and submits
 the documents and plans and 6 copies to the Planning Department
 office, the preliminary plat will be signed by the Chair of the Planning
 Commission certifying approval: (NOTE: These documents and
 plans are required by ordinance or design standards.)
 - 1.1 Rename Schworer Auto Drive with a new name acceptable to the Planning Department.
 - 1.2 Revise the boundary of the plat to include the entire lot.
 - 1.3 Provide additional easements as requested by LES.
 - 1.4 Show the extension of the east/west street and North 35th Street for 300' beyond the eastern boundary of this plat.
 - 1.5 Make revisions and submit documentation as requested in the attached comments from the Public Works and Utilities, and Health Departments.
- 2. The City Council approves associated requests waiving the two-year time frame and surety requirements for improvements. The waivers to subdivision regulations requiring that street improvements be completed or guaranteed by surety prior to a final plat and installed within a specified time after approval of a final plat are hereby approved, provided:
 - 2.1 The street right-of-way shall be dedicated, as required by the subdivision ordinance, with each final plat.





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Lincoln-Lancaster County Planning Department Marvin S. Krout, Director

Jon Carlson, Chair City-County Planning Commission

> 555 South 10th Street Suite 213 Lincoln, Nebraska: 68508

402-441-7491 fax: 402-441-6377





2.2 It is expected Lot 1, Block 1, will be final platted first, with the remainder of the property platted as an outlot. If so, improvements in the east/west street must be installed to a point east of the frontage road, which is satisfactory to Public Works, in order to provide access to the lot. The remainder of the street shall be improved prior to approval of a subsequent final plat.

(**Per Planning Commission, as revised by staff on 3/15/06**

General:

- 3. Final Plats will be approved by the Planning Director after:
 - 3.1 The sidewalks, streets, utilities, drainage facilities, street lighting, street trees, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the public street paving of streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of public streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

to complete the installation of public street lights along public streets within this plat within two (2) years following the approval of the final plat.



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Jon Carlson, Chair City-County Planning Commission

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to complete the planting of the street trees along public streets within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to submit to the lot buyers and home builders a copy of the soil analysis.

4. The waiver to the design standard requiring on-site stormwater detention is hereby approved.



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Jon Carlson, Chair City-County Planning Commission

> 555 South 10th Street Suite 213

Lincoln, Nebraska 68508 402-441-7491 fax: 402-441-6377





You have authority to proceed with the plans and specifications for the installation of the required improvements except street lighting and street name signs 15 days after the Planning Commission's approval of the preliminary plat, unless the decision is appealed to the City Council.

Before you begin to grade or disturb any land one acre or greater in area:

The Lower Platte South NRD must have approved a drainage and grading plan including stormwater management, erosion, and sediment control. Contact J. B. Dixon at 476-2729 or ibdixon@lpsnrd.org for questions regarding the plans.

Before you begin to install the improvements:

A licensed surveyor or engineer must certify that the grading has been completed in conformance with the grading shown on the approved preliminary plat, drainage study, and final street grades. Address questions to Gary Lacy at 441-4957 or glacy@lincoln.ne.gov.

and

An executive order (E.O.) authorized by the Mayor is required before public streets, public water, public sanitary sewer, public storm drainage, and public ornamental street lighting can be installed or constructed. Contact Charles Baker at 441-7838 or cbaker@lincoln.ne.gov in the Public Works & Utilities Department regarding the E.O. process. A bond, escrow, or security agreement approved by the City Law Department guaranteeing the completion of improvements will be required prior to the Mayor approving the E.O. If an E.O. has not been approved for the specific minimum improvement or the other required improvements not requiring an E.O. have not been completed then a bond, escrow, or security agreement approved by the City Law Department guaranteeing the completion of improvements will be required.

If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You may appeal the action of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission.

Submit an ownership certificate indicating the record owner or owners of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. A form is available at the Planning Department and on the Planning Department website that must be signed by the County Treasurer verifying that there are no liens of taxes and verifying that the special assessment installment payments are current.



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Lincoln-Lancaster County Planning Department Marvin S. Krout, Director

Jon Carlson, Chair City-County Planning Commission

> 555 South 10th Street Suite 213

Lincoln, Nebraska 68508 402-441-7491 fax: 402-441-6377



We are committed to working with you as we proceed through your development review. Before installing or constructing the improvements or should you have questions on:

public streets and utilities; contact Charles Baker at 441-7838 or cbaker@lincoln.ne.gov street lights; contact Larry Kathol, L.E.S. at 467-7642 or lkathol@les.com sidewalks; contact Harry Kroos at 441-8405 or hkroos@lincoln.ne.gov street trees; contact Steve Nosal or Steve Schwab at 441-7035 or forestry@lincoln.ne.gov street name signs; Marty Meyer at 441-6093 or mmeyer@lincoln.ne.gov

Should you have questions please contact Greg Czaplewski, the Project Planner, at 441-7620 or gczaplewski@lincoln.ne.gov.

Sincerely,

Jon Carlson, Chair City-County Planning Commission

cc: Dennis R. Schworer
Don R. Day, Olsson Associates
Mark Hunzeker
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineeer

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LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 15, 2006 PLANNING COMMISSION MEETING

**As Revised and Adopted by Planning Commission: March 15, 2006 Resolution No. PC-00985*

PROJECT #: Preliminary Plat #06002

Schworer Addition

PROPOSAL: Preliminary plat 4 lots for commercial development.

LOCATION: North 33rd and Superior Streets.

WAIVER REQUEST:

1. Two-year time frame for completion of improvements in the east/west street.

2. Sureties until such time as Lot 2, Block 1 and Lots 1 and 2, Block 2 are platted.

On-site storm water detention.

LAND AREA: 14.05 acres, more or less.

CONCLUSION: The preliminary plat conforms to the Comprehensive Plan and subdivision ordinance. The waiver of on-site storm water detention is acceptable. Waivers to the two-year time frame for improvements and sureties are unacceptable. Streets and utilities should be completed when abutting a buildable lot. The portion of the east/west street abutting Lot 2, Block 1 and Lot 2, Block 2 does not have to be completed until those lots are platted as buildable lots.

RECOMMENDATION:

Preliminary Plat #06002

Conditional Approval

Waivers:

1. Two-year time frame for improvements.

Denial Conditional Approval

2. Sureties until Lot 2, Block 1; Lots 1 and 2, Block 2 are platted.

Denial

Conditional Approval

3. On-site storm water detention.

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 69 I.T., located in the SE 1/4 of Section 6 T10N R7E, Lancaster County, Nebraska, more particularly described in an attachment.

EXISTING LAND USE AND ZONING: Undeveloped R-3 Residential

SURROUNDING LAND USE AND ZONING:

North: Offices, undeveloped I-3 Employment Center South: Automobile dealership H-3 Highway Commercial

East: Undeveloped R-3 Residential West: Undeveloped R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Future Land Use Plan shows this area as Industrial. (F 25)

HISTORY:

1979 This area was changed from AA Rural and Public Use to R-3 Residential with the adoption of the 1979 Zoning Update.

ENVIRONMENTAL CONCERNS: This entire site is located within the 100-year floodplain, and wetlands may exist on site. The developer will be required to obtain floodplain fill permits, and a determination from the Army Corps of Engineers regarding possible wetland mitigation. The FEMA floodplain maps for Salt Creek in this area are being updated, and may impact the future development of this site.

TRAFFIC ANALYSIS: Superior Street at this location is shown as a Principal Arterial, while North 33rd Street is shown as a Minor Arterial, both now and in the future. (E 49, F103) The name "Schworer Auto Drive" will not be accepted, as naming a street after a nearby business is contrary to policy; Schworer Drive would be acceptable, however.

ANALYSIS:

- 1. This is a request for a preliminary platfor 4 commercial sized lots; before commercial uses can occupy these lots, the zoning will need to be changed. The applicant also requests to waive improvements and surety requirements in the east/west street until Lot 2, Block 1 and Lots 1 and 2, Block 2 are platted, as well as on-site detention.
- 2. Planning Staff does not support the waivers the installation of improvements or the surety guarantees. The requirement to post a surety does not become an obligation until the lots are final platted, and the two year time period for installation does not begin to run until a final plat is approved. In general, developers have control over the timing of these improvements choosing when to submit a final plat. Here, applicant wants to final plat Lot 1, Block 1 without installing the required improvements. City staff does not agree with the proposition; the street should be installed along whatever lots become final platted, in accordance with standard procedures. Applicant can delay installing improvements east of Lot 1, Block 1 by delaying the final plat for those lots.
- 3. A reasonable extension of the east/west street within this plat, and North 35th Street, should be shown for 300' beyond the eastern boundary of this plat.
- 4. Comments are attached from the Public Works Department, Health Department, and LES.

CONDITIONS OF APPROVAL:

Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Rename Schworer Auto Drive with a new name acceptable to the Planning Department.
 - 1.2 Revise the boundary of the plat to include the entire lot.
 - 1.3 Provide additional easements as requested by LES.
 - 1.4 Show the extension of the east/west street and North 35th Street for 300' beyond the eastern boundary of this plat.
 - 1.5 Make revisions and submit documentation as requested in the attached comments from the Public Works and Utilities, and Health Departments.
- 2. The City Council approves associated requests waiving the two-year time frame and surety requirements for improvements. The waivers to subdivision regulations requiring that street improvements be completed or guaranteed by surety prior to a final plat and installed within a specified time after approval of a final plat are hereby approved, provided:
 - 2.1 The streetright-of-way shall be dedicated, as required by the subdivision ordinance, with each final plat.
 - 2.2 It is expected Lot 1, Block 1, will be final platted first, with the remainder of the property platted as an outlot. If so, improvements in the east/west street must be installed to a point east of the frontage road, which is satisfactory to Public Works, in order to provide access to the lot. The remainder of the street shall be improved prior to approval of a subsequent final plat.

(**Per Planning Commission, as revised by staff on 3/15/06**

General:

- 3. Final Plats will be approved by the Planning Director after:
 - 3.1 The sidewalks, streets, utilities, drainage facilities, street lighting, street trees, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the public street paving of streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of public streets as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.

to complete the installation of public street lights along public streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along public streets within this plat within four (4) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to submit to the lot buyers and home builders a copy of the soil analysis.

4. The waiver to the design standard requiring on-site stormwater detention is hereby approved.

Prepared by:

Greg Czaplewski 441-7620, gczaplewski@lincoln.ne.gov Planner

Date: March 2, 2006

Applicant Don Day

and Olsson Associates
Contact: 1111 Lincoln Mall

Lincoln, NE 68508

458.5644

Owner: Dennis Schworer

510 Fort Crook Road North

Bellevue, NE 68005

402.734.3330

PRELIMINARY PLAT NO. 06002, SCHWORER ADDITION,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 15, 2006

Members present: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

<u>Additional information submitted for the record:</u> Greg Czaplewski of Planning staff submitted an e-mail from Bob Rokeby, the adjacent landowner to the east, asking to delay for two weeks because he will be meeting with the applicant and hopes to work out some road issues. Czaplewski also submitted the following amendments to the condition of approval:

- 2. The City Council approves associated requests waiving the two-year time frame and surety requirements for improvements. The waivers to subdivision regulations requiring that street improvements be completed or guaranteed by surety prior to a final plat and installed within a specified time after approval of a final plat are hereby approved, provided:
 - <u>2.1</u> The street right-of-way shall be dedicated, as required by the subdivision ordinance, with each final plat.
 - 2.2 It is expected Lot 1, Block 1, will be final platted first, with the remainder of the property platted as an outlot. If so, improvements in the east/west street must be installed to a point east of the frontage road, which is satisfactory to Public Works, in order to provide access to the lot. The remainder of the street shall be improved prior to approval of a subsequent final plat.

The applicant has requested to waive the requirement that streets be improved in two years or bonds posted. Their intention at this point would be to final plat just one lot. Typically, the city would require that the portion of the street abutting that lot be dedicated and improved with that plat. The developer has asked to put in a short section of the street and then come in with subsequent plats and would finish installing the road. The entire length of the street would be dedicated with the first final plat. This has also been agreed upon in the annexation agreement.

Esseks inquired how the request from Bob Rokeby should be dealt with. Czaplewski indicated that the staff would certainly be willing to work with the two property owners, but at this point the plat meets the requirements of the subdivision ordinance, i.e. to show streets that connect to neighboring properties. Staff is not in a position to require that this be delayed.

Proponents

1. Mark Hunzeker appeared on behalf of Schworer Motor, the applicant. The property that is the subject of this plat was the subject of a change of zone application to H-3 that was approved by the Planning Commission back in May of last year. The annexation agreement has been discussed for quite some time, and the staff ultimately took the position that the applicant should go through the process of a preliminary plat in order to define the location of the roadways, sewer, etc. Mr. Schworer preferred a straight change of zone because he has no need or desire to create four lots onthis parcel, but because the city requested it, he agreed to go through this process.

Hunzeker also advised that at least as far back as May of last year, the applicant has been working with people who have represented themselves to have an interest in the Rokeby property to the east and the alignment has never changed. The applicant received a letter from Tom Huston, who represented the people who had a purchase agreement to purchase the Rokeby property to the east back in June of last year, saying that his client had elected not to proceed with the project so they were no longer interested in participating in the cost of extending a road to that property at this time. The applicant agreed to go through the plat process, and the agreement was that this applicant would go ahead with a plat and extend the road only far enough to provide this applicant with access. The location of the access to N. 33rd Street is locked in. The Rokeby property is to the east and there is a need to curve the road around this site for the new Volkswagen dealership. That is an alignment that has not changed in any significant way at least for the last 7 or 8 months. The applicant's agreement with the city is to extend this road far enough to get access to Schworer Drive to access the new Volkswagen dealership. This applicant has no intention of creating buildable lots on these parcels at this time. It is going to be one big outlot until such time as there is a need to resubdivide. The city has agreed, and the applicant is willing to discuss the needs of Mr. Rokeby as far as access, but up until half-way through last year at least, people who were planning a project on that property knew this alignment. The applicant is willing to discuss how it might be changed but they really need to move forward because the Volkswagen people really want to get the building built because they are operating in a building that is not up to their standard.

Schworer is not anxious to move forward with paving a road he does not need. The intent is to go forward at least far enough to get one buildable lot. They do have to extend the sewer, but they do not need to build that road and don't expect to build it at least in the immediate future. Hunzeker requested that the Planning Commission approve this plat and allow the applicant to move forward with the annexation agreement and zoning. The annexation agreement has been signed.

Carroll confirmed that the applicant is agreeing to pave the street prior to final plat of the rest of the lots. Hunzeker agreed. In the worst case scenario, it would require us to go ahead and pave "up to here" (pointing to the map), which, in this circumstance, is not only unnecessary, but it might be putting it in the wrong place.

Esseks expressed concern about development in the floodplain. Don Day of Olsson Associates indicated that they have asked for a waiver of stormwater detention and do have a floodplain development permit with the City and the proper permits through NRD and DEQ. At one time there were wetlands, but they have been mitigated from this location. Hunzeker explained that a lot of those issues were addressed at the time that 33rd Street was built.

2. JD Burt of Design Associates appeared on behalf of **Bob Rokeby**, who is in a neutral position at this point. Rokeby was not aware of this application until last week and he does have some questions and is scheduled to meet with the applicant on March 27th, to discuss issues with the plat, one of which is access. Burt showed a conceptual street alignment that was discussed between Mr. Schworer and Mr. Rokeby some years ago to find some way that both property owners could use that median opening. The Schworer property was made into two pieces some time ago, north and south. The south piece is 14 acres, so it was not required to go through the subdivision process before the Planning Commission. The concern is that without the completion of "this road" (35th Street) either from Superior Street or on Schworer Drive from the west, the Rokeby property is limited to a residential type access down off the east side of that right-of-way stub just off of Superior Street. There is no other way to access this property due to the creek and wetlands. Thus, we have a landlocked piece of real estate. Burt was not suggesting that the plat is not acceptable. Mr. Rokeby would just like an opportunity to discuss the options with Schworer.

There was no testimony in opposition.

Esseks asked staff to summarize why the city is allowing development in the floodplain. Czaplewski could not address specifically this site because he has not been familiar with it over the years. He does know that the applicant did get a floodplain fill permit which has been issued by the city. Esseks noted that there has been a lot of public discussion of "no net rise" and he believes there needs to be some justification for allowing development in the floodplain in the record. Was this a special area? Maybe there is some compensatory storage downstream?

Marvin Krout, Director of Planning, did not know how the applicant obtained a fill permit while being outside the city limits. He understood that the fill had already occurred on this site. Even when in the city limits, if we are looking at zoning property or a use permit, we do try to look for opportunities to compensate — it is sort of an informal interim policy while we wait for a permanent policy to be developed. The normal policy is that if in the city limits, then it is subject to a different policy and you can obtain a fill permit and it can be filled.

Dennis Bartels of Public Works believes the application for the fill permit was made prior to the study. It has been filled periodically over time. Basically it is grandfathered in.

Ray Hill of Planning staff noted that the Landmark subdivision to the north along 33rd Street dedicated a conservation easement on the remaining wetlands and the floodplain in that area, so there has been some compensation for the fill that has occurred in that area. It is not like they are filling everything because the development to the north did provide for some conservation easements to protect the wetlands and floodplain.

Response by the Applicant

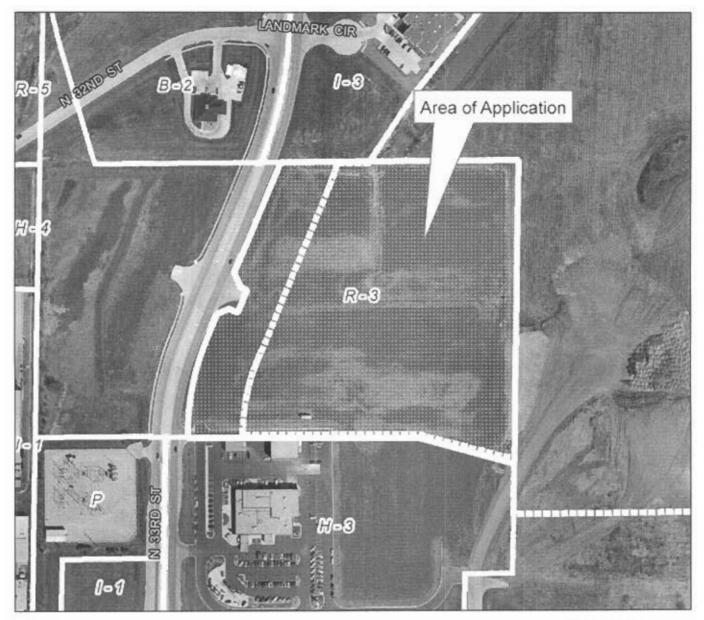
Hunzeker referred to the exhibit submitted by Mr. Burt, which shows the existing zoning district line and the area within the dash line is the area subject to the plat and change of zone. When the applicant went back to talk to the City about the annexation agreement, it was the city staff that requested that this plat be done. Mr. Schworer was not interested in dividing up his parcel but did agree to come in with a plat on the portion that they are requesting for change of zone. There is about a 150' deep piece

of right-of-way that gives access to Superior Street at a median break to both the Rokeby property and the Schworer property. So whether there is a "road that goes through here" is something to be determined in the future. There is a right-of-way stub to which the Rokeby property has access today, and to which Schworer takes access by way of a frontage road constructed in conjunction with their Saturn dealership. In terms of what we are doing today with this plat, the Rokeby issue has nothing to do with it. The applicant is trying to comply with his agreement with the city to bring a plat to show the streets to serve the area from 33rd Street to the east. If the Rokeby's have a concern about where we meet up with them on the east, that can be discussed, but it is not something that requires a deferral of this plat.

ACTION BY PLANNING COMMISSION:

March 15, 2006

Carroll moved to approve the staff recommendation of conditional approval, as revised by staff today, seconded by Strand and carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'. This is final action, unless appealed to the City Council.



Preliminary Plat #06002 Schworer Addition N 33rd & Superior Streets

2005 aerial

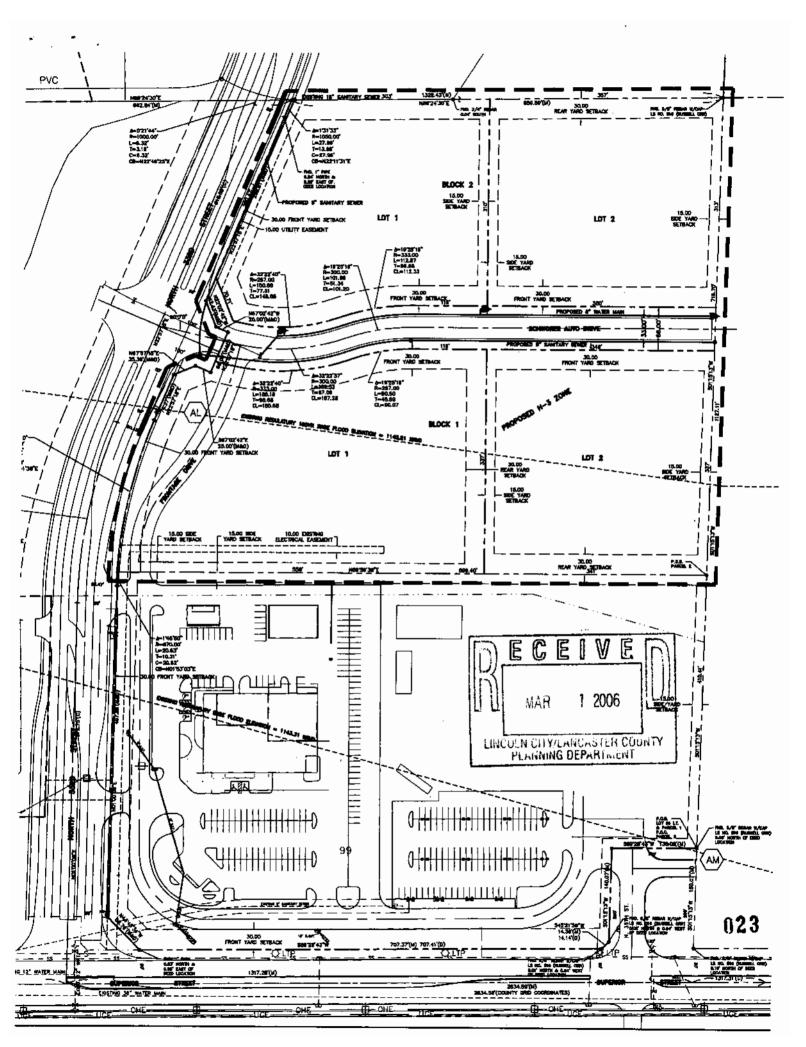
Zoning:

R-1 to R-8 Residential District AG Agricultural District AGR Agricultural Residential District Residential Convervation District Office District Suburban Office District Office Park District R-T Residential Transition District B-1 Local Business District Planned Neighborhood Business District B-2 B-3 Commercial District Lincoln Center Business District B-4 B-5 Planned Regional Susiness District H-1 Interstate Commercial District H-2 Highway Business District H-3 Highway Commercial District H-4 General Commercial District 1-1 Industrial District 1-2 Industrial Park District **Employment Center District** Public Use District

One Square Mile Sec. 15 T08N R07E







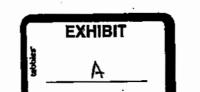
GENERAL NOTES

- 1. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 8" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO CITY OF LINCOLN SPECIFICATIONS.
- 2. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH L.E.S.
- 3. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
- 4. PUBLIC UTILITIES ARE LOCATED IN ADJACENT PUBLIC STREETS.
- 5. ALL SIDEWALK, DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.
- 6. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
- 7. THE APPLICANT SHALL COMPLY WITH ENVIRONMENTAL PERFORMANCE STANDARDS OF THE CITY OF LINCOLN
- 8. ALL ELEVATIONS ARE TO USGS NAVD 88 DATUM.
- 9. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
- 10. AN APPROVED BARRIER ALONG BOTH SIDES OF ALL DRIVEWAYS & ALONG THE PERIMETER OF ALL PARKING AREAS WILL BE BUILT TO CITY OF LINCOLN STANDARDS.
- 11. THE DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN EACH LOT.
- 12. ALL SETBACKS WILL BE IN ACCORDANCE WITH ZONING STANDARDS.
- 13. INDIVIDUAL LOT LAYOUTS TO BE REVIEWED AND APPROVED AT THE TIME OF BUILDING PERMIT APPLICATION BY BUILDING AND SAFETY DEPARTMENT. INDIVIDUAL LANDSCAPE PLANS WILL BE SUBMITTED, REVIEWED, AND APPROVED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT APPLICATION BY BUILDING AND SAFETY DEPARTMENT.
- 14. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
- 15. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
- 16. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
- 17. FINISHED FLOOR ELEVATIONS MUST BE 1' ABOVE 100 YEAR BASE FLOOD ELEVATIONS.
- 18. APPROXIMATELY 15,000 CY OF FILL BEING BROUGHT INTO THE FLOOD PLAIN.

LEGAL DESCRIPTION PARCEL 2

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 69 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHEAST CORNER OF SAID LOT 69 I.T., SAID POINT BEING 200.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF A RIGHT-OF-WAY STUB, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 78 I.T., THENCE NORTH ALONG THE EAST LINE OF SAID LOT 69 I.T. ON AN ASSUMED BEARING OF NORTH 01 DEGREES 15 MINUTES 13 SECONDS EAST. A DISTANCE OF 410.41 FEET TO A POINT. SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 899.40 FEET TO A POINT OF INTERSECTION WITH A WEST LINE OF SAID LOT 69 I.T., SAID POINT BEING ON A EAST LINE OF NORTH 33RD STREET RIGHT-OF-WAY, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 20 DEGREES 11 MINUTES 20 SECONDS, A RADIUS OF 670.00 FEET, A ARC LENGTH OF 236.08 FEET, A CHORD BEARING OF NORTH 12 DEGREES 51 MINUTES 38 SECONDS EAST ALONG A WEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A EAST THE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 234.86 FEET TO A POINT OF TANGENCY, THENCE NORTH 22 DEGREES 57 MINUTES 18 SECONDS EAST ALONG A WEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 74.27 FEET TO A POINT OF DEFLECTION. THENCE NORTH 67 DEGREES 57 MINUTES 18 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY. A DISTANCE OF 35,36 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 67 DEGREES 02 MINUTES 42 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 69 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET TO A POINT OF DEFLECTION, THENCE NORTH 22 DEGREES 57 MINUTES 18 SECONDS EAST ALONG A WEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 66.00 FEET TO A POINT OF DEFLECTION. THENCE NORTH 67 DEGREES 02 MINUTES 42



SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 20.00 FEET TO A POINT OF DEFLECTION. THENCE NORTH 22 DEGREES 02 MINUTES 42 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 42,43 FEET TO A POINT OF DEFLECTION, THENCE NORTH 22 DEGREES 57 MINUTES 18 SECONDS EAST ALONG A WEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 298.81 FEET TO A POINT OF CURVATURE. THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 01 DEGREES 31 MINUTES 33 SECONDS, A RADIUS OF 1,050,00 FEET, A ARC LENGTH OF 27,96 FEET. A CHORD BEARING OF NORTH 22 DEGREES 11 MINUTES 31 SECONDS EAST ALONG A WEST LINE OF SAID LOT 69 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, AND A CHORD DISTANCE OF 27.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 69 I.T., THENCE NORTH 89 DEGREES 24 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 69 I.T., A DISTANCE OF 659.59 FEET TO THE NORTHEAST CORNER OF SAID LOT 69 I.T., THENCE SOUTH 01 DEGREES 15 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 69 I.T., A DISTANCE OF 716.70 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 563,604,7546 SQUARE FEET OR 12.9386 ACRES, MORE OR LESS.



February 16, 2006

Mr Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re:

Schworer Addition Preliminary Plat

OA Project No. 2005-1607

Dear Mr. Krout,

Enclosed, please find the following for the above-mentioned project:

- 1. Site Plan 21 copies
- 2. Grading, Drainage & Street Profile Plan 21 copies
- 3. Preliminary Plat Application
- 4. Preliminary Plat Application Fee \$800.00
- 5. Soils Report 1 copy

On behalf of the Owner/Developer, Dennis R. Schworer, 510 Fort Crook Road North, Bellevue NE 68005, we are requesting a *Preliminary Plat* on the property shown on the enclosed site plan, all located in the Southwest Quarter (SW4) of Section 6, T10N, R7E of the 6th PM, City of Lincoln, Lancaster County, Nebraska

The owner of this property has already started the zoning and annexation process. Applications for both have been previously submitted, and approved by Planning Commission, subject to an annexation agreement.

The owner has met with City Staff regarding the annexation agreement. The outcome of the meeting was that Lot 69 I.T. would be split by deed and a portion preliminary platted. The deed to split Lot 69 I.T. has been filed and the 1.T. number will be provided to you once it is assigned. Another outcome from the meeting was that certain waivers would be requested.

The following waivers are being requested for the above-mentioned project. The justification for each waiver is listed below.

1. A waiver of the 2 Year time frame for completion of the improvements of the east/west public roadway (Schworer Auto Drive)

It is requested that the time is extended so that the minimum improvements required by the subdivision ordinance, including but not limited to paving, sewer, water, storm sewer, sidewalks, street trees, and street lights are not required to be built until Lot 2, Block 1 and Lots 1, 2 Block 2 are platted. The developer only has plans to build upon Lot 1, Block 1 and does not wish to extend the paving or utilities at this time.

- 2. A waiver to the posting of the surety associated with the infrastructure

 It is requested that the posting of sureties associated with utilities and paving be delayed until such time Lot 2, Block 1 and Lots 1, 2 Block 2 are platted.
- 3. A waiver to Design Standards, to not require storm water detention on this site.

 The neighboring properties along N. 33rd Street were not required to provide detention due to their proximity to Salt Creek. As this property fits the same location criteria, it should also be granted the same waiver.

Please contact me if you have any questions or require additional information.

Sincerely,

Don R. Day, PE

Encls

cc Dennis R. Schworer Mark Hunzeker

F:\Projects\20051607\Doc\imkrout.2.16.06.doc



Status of Review: Denied

02/28/2006 1:34:43 PM

Reviewed By 911

ANY

Comments: Denial based on street name SCHWORER AUTO DR. After the events of K-MART

DR and the lessons learned, the Street Commettee, as a whole, voted to deny the use

of a business names. SCHWORER DR would be an acceptable alternative.

Status of Review: Approved

Reviewed By Alltel

ANY

Comments:

Status of Review: Denied

02/22/2006 11:41:39 AM

Reviewed By Building & Safety

Terry Kathe

Comments: Name of street should not be a business name. This was the policy set by the Street

Naming Committee.

Status of Review: Approved

02/22/2006 12:09:56 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

Status of Review: Approved

03/01/2006 11:05:11 AM ANY

Reviewed By Fire Department

Comments: We have no objections from the perspective of our department.

Status of Review: Approved

03/02/2006 2:43:01 PM

Reviewed By Health Department

ANY

Comments: TO: Greg Czaplewski

DATE: March 2, 2006 DEPARTMENT: Planning FROM: Chris Schroeder DEPARTMENT: Health

SUBJECT: Schworer Addition

□ □ PP #06002

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

EAll wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

□ During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

☐The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become with familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

Status of Review: Complete

03/01/2006 5:25:56 PM

Reviewed By Lincoln Electric System

JIM HENNESSY

Comments: Will require additional easements. See marked up plan in file.

Status of Review: Approved

03/01/2006 5:23:35 PM

Reviewed By Lincoln Police Department

DON SCHEINOST

Comments: The Lincoln Police Department does not object to the Schworer Addition, Preliminary

Plat # 06002.

Sergeant Don Scheinost, #798 Lincoln Police Department Management Services Unit (402) 441-7215

lpd798@cjis.ci.lincoln.ne.us

Status of Review: Active

Reviewed By Natural Resources District

Any

Comments:

Status of Review: Approved

02/28/2006 3:04:26 PM

Reviewed By Parks & Recreation

ANY

Comments: 1. Contact the Parks & Recreation Forestry Department at 441-7036 for Street Tree

assignments.

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

GREG CZAPLEWSKI

Comments:

Status of Review: Approved

Reviewed By Planning Department

ANY

Comments:

03/02/2006 3:03:07 PM Status of Review: Approved

Reviewed By Public Works - Development Services

NCSGSC

Comments: To:□Greg Czaplewski, Planning Department□ From: Chad Blahak, Public Works and Utilities Dennis Bartels Public Works and Utilities□

Subject: ☐ Schworer Addition Preliminary Plat #06001 ☐

Date: ☐ March 2, 2006 ☐

cc:□□

 \Box

Engineering Services has reviewed the submitted plans for the Schworer Addition preliminary plat, located north and east of 3rdd and Superior Street, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

- (1.1) The 15" sanitary sewer needs to be shown as being extended to the east boundary of the is plat to provide service to Lot79 I.T. to the east.
- (1.2) A 15' wide sanitary easement should be shown along the north boundary of this plat for the existing portion of the 15" sanitary sewer.

Water Main – The water system is satisfactory.

Grading/Drainage – The grading and drainage plan is satisfactory.

(3.1) Public Works approves the waiver of design standards for detention.

Streets/Paving - The following comments need to be addressed.

(4.1) A conceptual lay should be shown on the plans indicating how 35th Street could connect to Schworer Auto Drive.

General – The following comments need to be addressed.

- (5.1) Public Works does not approve the requested waiver of design standards for the two years required to construct improvements required by the final plat as stated in the submittal letter. An extension to the two year requirement may be agreeable to Public Works.
- (5.2) Public Works does not approve the requested waiver of design standards for providing sureties for the improvements required by the final plat. These sureties need to be in place to guarantee that the improvements will eventually be built.
- (5.3) The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Status of Review: Approved

03/02/2006 2:46:00 PM

Reviewed By Public Works - Watershed Management

NCSGSC

Comments: Date: 03/02/2006

To: Greg Czaplewski, Planning Department

From: John Callen, Watershed Management

Subject: Schworer Addition review comments, PP06002

cc: Chad Blahak, Lana Tolbert

Greg,

Below are Watershed Management's comments regarding Schworer Addition. PP060021

1. This entire proposed development is within the 100-year floodplain of Salt Creek as currently shown on the FEMA map. The applicant will be required to obtain appropriate floodplain permits for the proposed grading on the site as well as for any proposed future buildings on these lots.

Recommendations and Notes:

- The applicant is advised that this project is in an area where wetlands may exist on the site and a jurisdictional determination from the U.S. Army Corps of Engineers is recommended to ensure no wetlands are being impacted by this project.
- Watershed Management is currently in the process of upating the 100-year floodplain map for Salt Creek adjacent to this proposed development. Draft results and mapping information is available for review - the applicant may wish to view this information prior to moving forward with construction of this project as the FEMA floodplain map for Salt Creek will be updated using this study. This update is anticipated to be complete by mid-2007.

Status of Review: Active Reviewed By School District	ANY
Comments:	
Status of Review: Active	AND
Reviewed By US Post Office	ANY
Comments:	

MEMORANDUM

TO:

Planning Commissioners

FROM:

Greg Czaplewski, Planning Department

SUBJECT:

Preliminary Plat #06002

Schworer Addition

DATE:

March 15, 2006

COPIES:

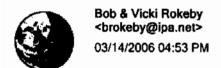
Mark Hunzeker

Don Day

Based on further discussions between the Planning and Public Works & Utilities Departments and the Applicant, staff has changed their recommendation on waivers 1 and 2 from Denial to Conditional Approval, based upon the following revised conditions:

- The City Council approves associated requests waiving the two-year time frame and surety requirements for improvements:
- 2. The waivers to subdivision regulations requiring that street improvements be completed or guaranteed by surety prior to a final plat and installed within a specified time after approval of a final plat are hereby approved, provided:
 - 2.1 The street right-of-way shall be dedicated, as required by the subdivision ordinance, with each final plat.
 - 2.2 It is expected Lot 1, Block 1 will be final platted first, with the remainder of the property platted as an outlot. If so, improvements in the east/west street must be installed to a point east of the frontage road, which is satisfactory to Public Works, in order to provide access to the lot. The remainder of the street shall be improved prior to approval of a subsequent final plat.

Thank You.



To plan@lincoln.ne.gov

cc JD Burt <idburt@inebraska.com>

bcc

Subject Prelim Plat #06002

Dear Planning Commission Members,

I am a partner in ownership of the adjacent property to the east of this request. We are again looking at development plans for our property.

One issue that consistently is raised regarding our property is the access from Superior St via N 35th St and from N 33rd to our property.

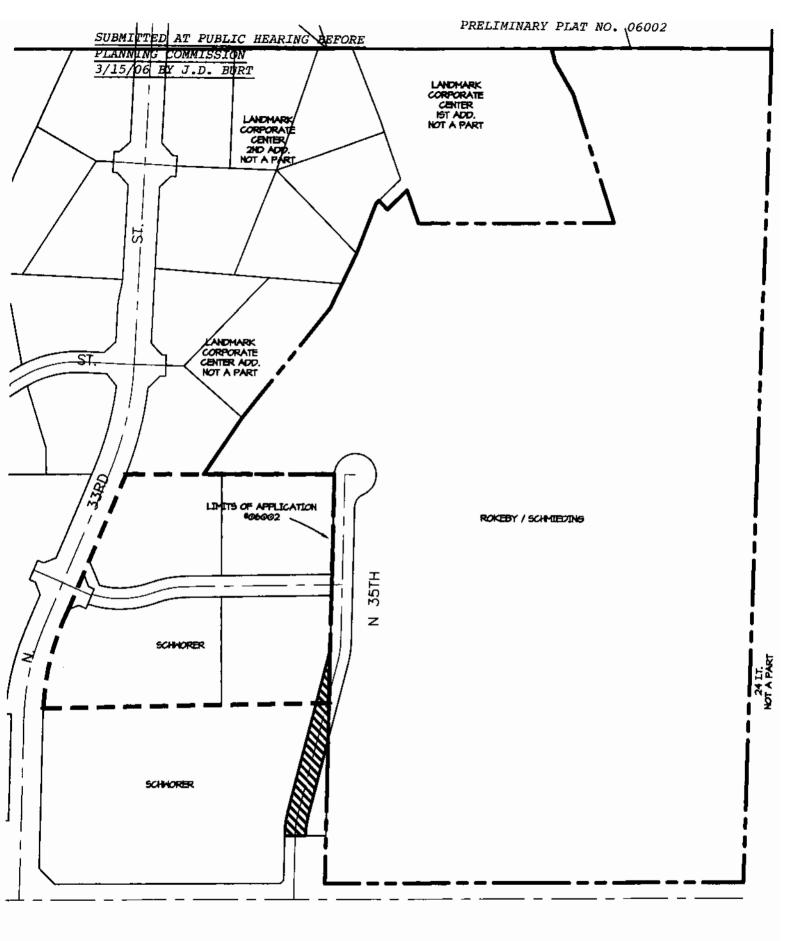
As we and Dennis Schworer are both considering development plans in the near future, we feel this is an opportunity to coordinate the infrastructure.

Dennis and I spoke this afternoon and tentatively have a meeting scheduled for March 27 to look at his plan. He had left a message with his engineer to email plans to our engineer, but as of now, I don't believe they have been received.

We do not have a concern with the general layout of the plat, but would like for both engineers to compare both plans side by side to ensure that infrastructure is coordinated and in the best locations for all concerned prior to approval.

Thanks for your time,

Bob Rokeby





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15 MAR 2006